

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 2, 4, 5, 7-18, 21-31, 33-35 and 37 are currently pending in this application. Independent claims 1, 15, 29 and 33 are hereby amended in this response. Support for this amendment can be found throughout the application as originally filed; specifically, in paragraphs [0041], [0044]-[0045], and [0053]-[0055] of the specification as originally filed. No new matter has been added.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1, 2, 4, 5, 7-8, 10, 14-18, 21, 22, 24, 28-31, 33-35 and 37 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,619,247 to Russo (hereinafter, merely “Russo”) in view of U.S. Patent No. 6,157,377 to Shah-Nazaroff et al. (hereinafter, merely “Shah-Nazaroff”).

Claims 9, 11, 23 and 25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Russo in view of Shah-Nazaroff and in further view of U.S. Patent No. 5,790,236 to Hershtik et al. (hereinafter, merely “Hershtik”).

Claims 12, 13, 26 and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Russo in view of Shah-Nazaroff and further in view of U.S. Patent No. 6,588,015 to Eyer et al. (hereinafter, merely "Eyer").

III. RESPONSE TO REJECTIONS

Independent claim 1 recites, *inter alia*:

"An information recording apparatus comprising:
information recording means for recording information in a first recording medium ... wherein said information recording means includes a medium format conversion means to covert the information into one of a plurality of media format types of information, a disc drive device to record the information for a disc reproducing apparatus, and a memory recording device to record the information for a portable telephone adapted to reproduce the information on a display on the telephone." (Emphasis added)

As understood by the Applicants, Russo relates to a stored program pay-per-play system including a storage medium facilitating compilation of video, audio or other programs at a subscriber's site. While the recording of such programs may take place at any time preceding playback, billing occurs only when, and if, the subscriber chooses to select a program for replay or actually views the program substantially in its entirety. Billing is alternatively based on a store-credit or account debiting scheme. The recording of program materials may be directed automatically by subscriber-operated storage management facilities which scan program schedules and select materials to be recorded, based on title, cast, program genre or any other of a variety of viewer/listener preferences.

As understood by the Applicants, Shah-Nazaroff relates to a method and apparatus for purchasing media features for programming transmissions. A selection is sent to a server system to buy an upgraded media feature for a programming transmission. The server system automatically coordinates purchasing the media feature from a programming

transmission source and providing the media feature from the programming transmission source.

Applicants submit that none of the cited references, considered either alone or in combination, teach or suggest the above identified feature of claim 1. Specifically, neither Russo nor Shah-Nazaroff, considered either alone or in combination, disclose or suggest an information recording apparatus including an information recording means for recording information in a first recording medium, wherein the information recording means includes a medium format conversion means to covert the information into one of a plurality of media format types of information, a disc drive device to record the information for a disc reproducing apparatus, and a memory recording device to record the information for a portable telephone adapted to reproduce the information on a display on the telephone, as recited in claim 1.

Specifically, the feature of including a medium format conversion means to convert the information into one of a plurality of media format types of information, a disc drive device to record the information for a disc reproducing apparatus, and a memory recording device to record the information for a portable telephone adapted to reproduce the information on a display on the telephone is not disclosed or suggested in any of the cited references considered either alone or in combination.

Further, this deficiency of Russo and Shah-Nazaroff is not cured by any of the remaining references relied upon by the Examiner.

Therefore, Applicants respectfully submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 15, 29 and 33 are also patentable.

Therefore, Applicants submit that independent claims 1, 15, 29 and 33 are patentable.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

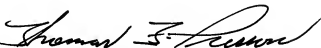
In view of the foregoing amendments and remarks, it is believed that all of the claims remaining in this application are patentable and Applicants respectfully request early passage to issue of the present application.

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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